

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

IGOR ZAPADINSKY, *individually and on
behalf of all others similarly situated,*

Plaintiff,

v.

BLUE DIAMOND GROWERS,

Defendant.

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Case No.: 2:23-CV-00231-JPS

**DEFENDANT BLUE DIAMOND GROWERS' NOTICE OF MOTION AND
MOTION TO DISMISS**

PLEASE TAKE NOTICE that Defendant Blue Diamond Growers ("BDG") moves this Court to dismiss Plaintiff Igor Zapadinsky's complaint with prejudice, pursuant to Civil L.R. 7, Fed. R. Civ. P. 12(b)(1) for lack of subject-matter jurisdiction, and 12(b)(6) for failure to state a claim. In support of its Motion to Dismiss, BDG submits the accompanying Memorandum and Declarations in Support, the parties' joint narrative statement of jurisdictional facts, a set of itemized disputed jurisdictional facts, and proposed jury instructions detailing the elements of each claim and defense as required by the Court's Pretrial Procedures Order for Civil Cases entered on February 22, 2023, in this matter.

Pursuant to Civil L.R. 7(e), the Court will hear oral argument on this Motion to Dismiss at its discretion.

Dated: May 22, 2023

/s/ Paul E. Benson

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* Application for admission pending

Counsel for Defendant Blue Diamond Growers

CERTIFICATE OF SERVICE

I hereby certify that, on May 22, 2023, I electronically filed the foregoing document using the ECF System for the United States District Court for the Eastern District of Wisconsin. Notice of this filing will be sent by operation of the Court's electronic filing system to all counsel of record registered on the ECF system.

/s/ Paul E. Benson

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